

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.506/2019

IN THE MATTER OF:

Mukund DhoteApplicant

Versus

Union of India & Ors.Respondents

**ACTION TAKEN REPORT ON BEHALF OF HARYANA
STATE POLLUTION CONTROL BOARD (HSPCB).**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal vide order dated 30.05.2019 took cognisance of the present O.A. and directed to furnish the Joint Report about the factual aspect and action taken by MoEF&CC and HSPCB.
2. That in compliance of order dated 30.5.2019, a Joint Inspection Report dated 28.6.2019 has already been furnished before this Hon'ble Tribunal.
3. That details of the action taken against the Project Proponent is as under:
 - (i) The samples of waste water discharged from the STP installed in the project were taken on 27.02.2017 and as per analysis report dated 06.03.2017, those were found beyond prescribed limits. Accordingly, Closure Order dated 07.06.2017 was passed and in compliance of said closure order, 4 DG sets (1 DG sets of 380 KVA, 1 DG set of 500 KVA and 2 DG sets of 750 KVA) were sealed by the Filed Officers of the Board. Copy of Closure Order dated 07.06.2017 is annexed herewith



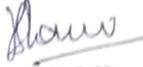
as **Annexure-R/1**. Copy of Compliance Letter dated 08.06.2017 is being annexed herewith as **Annexure-R/2**.

- (ii) In addition to sealing of DG sets as mentioned above, Club Building of the Project was sealed on 20.07.2018 with the assistance of Town & Country Planning Department.
 - (iii) An Environment Compensation of Rs. 5 Lacs was also deposited by the Project Proponent on 27.11.2017.
 - (iv) Prosecution Action under the provisions of the Water Act, 1974 and Air Act, 1981 was approved by the Competent Authority vide letter dated 19.05.2017. Accordingly, criminal complaint was filed under the provisions of the Water Act, 1974 and Air Act, 1981 before the Environmental Court, Faridabad. The criminal case is still pending.
 - (v) After taking note of the present proceedings and joint inspection report, the DG Sets have been sealed/resealed. Police Department has been asked to lodge FIR for the act of tempering seal. The Common Building is still sealed.
 - (vi) Assessment of Environment Compensation has now been done for an amount of Rs. 46 Lacs and proposal has been sent to the Competent Authority.
4. That apart from the above, directions have been issued to the Project Proponent and to the Residents Welfare Association of the Project-Summer Palm for proper functioning of the STP, compliance of Solid Waste

Shaw

Management Rules, 2016 and providing copy of permission of extraction of ground water through Borewell. Copy of directions dated 20.11.2019 is annexed herewith as **Annexure-R/3**. After receiving the response for compliance of the directions, further action shall be taken in accordance with law.

It is submitted accordingly.


Regional Officer,
HSPCB, Faridabad

Place: New Delhi
Dated: 20.11.2019



HARYANA STATE POLLUTION CONTROL BOARD
 C-11, SECTOR-6, PANCHKULA
 Website - www.hspcb.gov.in E-Mail- hspcbho@gmail.com
 Tele No. - 0172-2577870-73

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Order

Whereas M/s Smart Housing Pvt. Ltd. (Project: Summer Palm), Sec-86, Greater Faridabad is a residential group housing project and thus covered under Red category. The name of the project is also listed in OA No. 283 of 2016 titled as Varun Sheokand Vs. State of Haryana & Ors

Whereas the team of field officers visited the unit in compliance of directions passed by Honble NGT in OA No. 283 of 2016 titled as Varun Sheokand Vs. State of Haryana & Ors. The sample from the society by passing the STP were collected and the results of the following parameters are found exceeding:-

Sr. No.	Name of Parameters	Results	Prescribed Limits
1	Suspended Solids mg/l	129	100
2	BOD (03 days at 27°C)mg/l	90	30
3	COD mg/l	352	250

Whereas show cause notice for closure action under section 33-A and 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A and 21/22 of Air (Prevention & Control of Pollution) Act, 1981 was issued to the unit vide Regional Officer, Faridabad vide his letter no. 5111-12 dated 08.03.2017 but the unit has neither submitted the satisfactory reply to the show cause notice nor compliance made of show cause notice applied for consent to operate till date.

Whereas Regional Officer, Faridabad vide his letter no. 69 dated 10.04.2017 has recommended for closure action against the above said unit under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention & Control of Pollution) Act, 1981

Therefore, keeping in view of the above said facts and in exercise of the powers conferred under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention & Control of Pollution) Act, 1981, it is hereby ordered to close down the operation of the unit M/s Smart Housing Pvt. Ltd., (Project: Summer Palm), Sec-86, Greater Faridabad.

Dated Panchkula, the
19th May, 2017

Dr. K.K. Khandelwal IAS
Chairman

Endst. No. HSPCB/Consent-III/2017/620

Dated: 21/06/2017

A copy of the above is forwarded to the following for information and necessary action:-

1. The Deputy Commissioner, Faridabad
2. The Regional Officer, Faridabad. He is asked to ensure the compliance of closure order immediately
3. M/s Smart Housing Pvt. Ltd. (Project: Summer Palm), Sec-86, Greater Faridabad

ARUN KUMAR
 Estate manager
 8/06/17

Sr. Scientist (HQ)
For Chairman



HARYANA STATE POLLUTION CONTROL BOARD
Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad
Website: www.hspcb.gov.in

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Memo. No. HSPCB/FR/2017/98

Dated 8/6/17

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

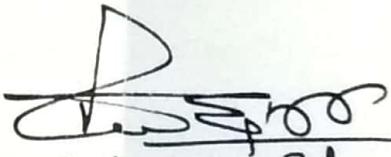
Sub: Closure order of M/s Smart Housing Pvt. Ltd. (Project Summer Palm), Sec-86, Greater Faridabad.

Ref: Kindly refer to Head Office order No. 620 dated 07/06/2017

In the above reference it is intimated that the closure order issued by Head Office vide letter under reference has been implemented on 08/06/2017 by sealing the D.G. Sets of the above noted unit. Compliance report is attached herewith.

DA/as above

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Regional Officer
O/c Faridabad Region
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COMPLIANCE REPORT OF CLOSURE ORDER PASSED AGAINST

M/s Smart Housing Pvt. Ltd. (Project Summer Palm) Sector-86, Greater Faridabad

In compliance of the order passed by the Worthy Chairman, Haryana State Pollution Control Board, Panchkula vide Head Office Order No. 620 dated 07/06/17 under section 33A/31A of Water/Air Act against the above said unit. The unit has been visited on dated 08/06/17 to close down the Plant, Machinery &

- D.G. Sets of the above said unit by the following officers:-
1. Sidharth Bhargava, AEE Sidharth Bhargava
 2. Aransha Tanwar, AEE Aransha Tanwar
 - 3.

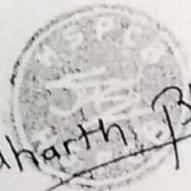
The representative of the unit Sh. Arun Kumar, Estate Manager owners/Authorized Signatory, who is present in person at the time of sealing of the unit has been intimated of the said orders and copy of the closure order has been delivered to him.

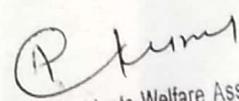
After giving due time for the completion of running process, the unit has been closed by sealing its plant and Machinery and DG sets as per details given below:

1. 380 kVA x 1
 2. 500 kVA x 1
 3. 750 kVA x 2
 - 4.
 - 5.
 - 6.
- | DG sets C-12

Sh. Arun Kumar, Estate Manager the representative of the units who was present at the time of sealing and closing of the unit has not shown any stay orders of any Court of law in this regard. However the unit remains in possession of its owners. They will be themselves responsible for watch and ward of the industry.

Impression of Seal:


Sidharth Bhargava


Jade Faridabad Residents Welfare Association
A/c- 135701000593

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**HARYANA STATE POLLUTION CONTROL BOARD**Faridabad Region, Opp. Hewo Appmt., Sector-16,
FaridabadWebsite: www.hspcb.gov.in

Memo. No. HSPCB/FR/2019/ 3530

Dated: 20/11/19

To

M/s Smart Housing Pvt Ltd,
Sector 86, Greater Faridabad,
Faridabad.

Subject: Show Cause Notice for Non-Compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and illegal extraction of ground water through borewell.

Whereas as per Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 every Authority shall within the territorial area be responsible for the implementation of the provisions of MSW Rules, 2016, Plastic Waste Management Rules, 2016 and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of Municipal Solid Waste.

All resident welfare and association shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorized recyclers. The bio-degradable waste shall be processed, Treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the body.

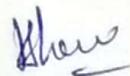
And whereas as per MSW Rules, any Municipal Solid Waste generated in the premises shall be managed and handled in accordance with the procedure laid down in MSW rules 2016 and shall meet the specifications and standards.

And whereas the solid waste/garbage has been dumped in your premises and you are responsible for illegally handling the municipal solid waste and plastic waste at day-n-night where it has been found incident of burning the municipal solid waste material in gross violation of directions Hon'ble National Green Tribunal/EPCA and Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016.

Whereas these type of activities as mentioned above are /can deteriorate the Air quality of Faridabad City and whereas whole of the Haryana State has been declared as Air Pollution Control Area. You have failed to comply with directions of the MSW Rules 2016

Whereas it also has come into notice that you are extracting ground water through borewell and not submitted the permission for the same.

In view of above, you hereby directed to comply with above said deficiencies within **15 days** by following above said procedure, and also submit the copy of permission of extraction of ground water through borewell if any, failing which prosecution Action and further environment compensation applicable for continuous violation will be initiated without giving any further notice.



**Regional Officer
Faridabad Region**